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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,200	11/06/2001	Albert Dimberger	16616-4	8061

7590 06/22/2005
Clifford W. Browning
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Indianapolis, IN 46204-5137

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,200

Applicant(s)

DIRNBERGER ET AL

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77-96 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 77-96 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 4/28/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/7/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 77, 80/77, 93/77, and 95/77 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,290,270 to Spiessl.

Spiessl '270 teaches Applicant's claim limitations including : a "securing device" – as shown on face of Patent, "affixed to a washing machine, a dish washer or a drier" – as described, an "axle" – 22, "rotatably arranged in the securing device" – 22 is located on 12 which is rotatably arranged at 14 within securing device at large, a "contact

region" – outer surface of 22, a "gripping device" – including 20, an "active region" – portion contacting 22.

As regards claim 80, the hole in 20 wherein "active region" is located reads on "recess".

As regards claim 93, part 12 reads on "lever arm" and 14 on "lever arm axle".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 77-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,997,221 to Tolle in view of U.S. Pat. No. 2,800,128 to Chesser and further in view of U.S. Pat. No. 5,931,554 to Koopman.

Tolle '221 teaches Applicants claim limitations including :a "securing device" - the mounting bracket shown on face of the Patent, an "axle" - 11,12, a "contact region" - outer surface of 12, a "gripping device" - 4, an "active region" - cam surfaces and/or inner surface of hooked portion.

Part 4 is rotatable at 3 as the door is shut or opened, and is arranged within the mounting bracket of the securing device as shown, noting that the extreme open

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position is illustrated. Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974).

Although Tolle '221 does not disclose use of the device on a washing machine, dish washer, or drier, it is well known in the art to use such devices on appliances having closures since to benefit from latching in partially-open positions. For example, Chesser '128 illustrates a similar device provided on an oven and Koopman '554 discloses that it is well known to provide such device on a refrigerator. It would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to provide the device of Tolle '221 on a washing machine, dish washer, or drier in view of Chesser '128 and Koopman '554 in order to latch the door in partially open position and obtain benefits of the arrangement disclosed by Tolle '221.

As regards claim 78, part 12 reads on "bearing", part 11 on "axle".

As regards claim 88, the outer surface of 1,2 reads on "bearing" again noting part 2's rotational mounting.

As regards claim 93, the portion of part 2 connecting portion at 3 and portion at 4 reads on "lever" where inherent contact areas of part 1 at 3 read on "bearing".

As regards claim 95, the inner recess of the hooked portion reads on "gripping latch" and other two recesses on part 1,2 on "active region".

Response to Arguments

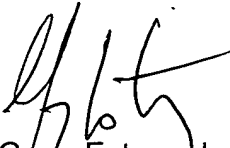
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary Estremsky
Primary Examiner
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